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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/736,225	12/16/2003	Jun Fujimoto	KAW-311-USAP	3127

28892 7590 01/28/2008

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EXAMINER

DHILLON, MANJOT K

ART UNIT	PAPER NUMBER
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3714

MAIL DATE	DELIVERY MODE
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01/28/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/736,225	Applicant(s) FUJIMOTO, JUN	
	Examiner Malina K. Dhillon	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This office action is in response to applicant's response filed on December 11th, 2007. Applicant amends claims 1, 4, 14, 24-28, cancels claim 3, and responds to rejections. Claims 1, 2, and 4-28 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
4. Claims 1, 2, and 4-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Franchi (US 5770533) in view of Shulman (US 2002/0123377 A1).

Concerning claims 1 and 25 Franchi recites a communication system for acquiring information required for proceeding with a game played in a game arcade from a predetermined guest playing the game and outputting thus acquired information

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to a manager for managing the game **[column 5, lines 50-65]**, the communication system comprising: a transmitter and/or transmitting means, disposed in the game arcade, for transmitting instruction information indicative of an instruction to transmit the information required for proceeding with the game to a communication terminal of the guest **[column 5, lines 66-67 and column 6, lines 1-6]**; and information acquiring means for acquiring information required for proceeding with the game according to the instruction information in the communication terminal **[column 6, lines 6-29]**. Franchi recites the communication terminal comprises card reading means for reading guest-specific information specifying the guest stored in a predetermined guest card **[column 15, lines 38-54]**.

Franchi lacks teaching the portable device can be located in the guestroom in an accommodation facility and the transmission of information from the transmitting means to the communication terminal and the transmission of information from the communication means toward the game arcade are carried out via a local area network. The publication to Shulman teaches a computer assisted poker tournament. Shulman teaches that the communication medium on which the tournament is to be played over can be setup up on a local area network extending to the various rooms of a hotel or casino **[0023]**. It is well known and common knowledge that various rooms in a hotel refer to guest rooms. Both Shulman and Franchi refer to gambling methods, Shulman further extends gambling to various rooms of a hotel. Therefore, it would be obvious to use the portable gaming device taught by Franchi in a personal guest room as taught by Shulman. Furthermore, it would be obvious to combine the Franchi portable device

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used in the open architecture casino operating system with the Shulman poker tournament run on a local area network because all the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

Concerning claim 2, Franchi recites the communication terminal comprises display means for displaying a predetermined information item according to the instruction information **[column 10, lines 60-64, Fig. 8]**, and input means for causing the guest to input information required for proceeding with the game according to the predetermined information item displayed on the display means **[column 10, lines 8-20, Fig. 8]**.

Concerning claims 4, 6, 7, 12, 13 and 26, (please refer to Examiner's response to claim 1) Franchi teaches a communication system for a game using a game board including a roulette game **[column 14: lines 31+]** provided with a plurality of pockets adapted to receive a game medium introduced, each pocket bearing an identifier, a predetermined guest using a gaming device for causing any of the pockets to receive the game medium and anticipating the identifier of the pocket **[column 14, lines 19-30 and column 10, lines 1-7]**; the communication system acquiring from the guest the identifier of the pocket expected to receive the game medium before the game medium is introduced to the game board and outputting the identifier to a manager for managing the game **[column 15, lines 26-65]**; the communication system comprising:

managing means, disposed in a game arcade where the game is played, for determining whether the game medium is about to be introduced to the game board **[column 7, lines 1-46]**; transmitting means, disposed in the game arcade, for transmitting information managed by the managing means and instruction information indicative of an instruction to transmit the identifier of the pocket expected to receive the game medium **[column 7, lines 1-46]** to a communication terminal **[column 15, lines 26-65]** disposed around the casino in a portable device. Franchi teaches the device has a display means **[column 15, lines 35-37]**, for displaying information indicating that the game medium is about to be introduced to the game board and the instruction information according to information managed by the managing means **[column 15, lines 59-67 and column 16, lines 1-13]**; information acquiring means, for acquiring the identifier of the pocket expected to receive the game medium inputted by the guest via a guest card and guest-specific information for specifying the guest according to the display effected by the display means **[column 15, lines 38-67 and column 16, lines 1-13]**; and output means, disposed in the game arcade, for outputting the information acquired by the information acquiring means to the manager **[column 15, lines 59-67 and column 16, lines 1-13]**.

Franchi lacks teaching the portable device can be located in the guestroom in an accommodation facility and the transmission of information from the transmitting means to the communication terminal and the transmission of information from the communication means toward the game arcade are carried out via a local area network. The publication to Shulman teaches a computer assisted poker tournament. Shulman

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teaches that the communication medium on which the tournament is to be played over can be setup up on a local area network extending to the various rooms of a hotel or casino **[0023]**. It would be obvious to combine the Franchi portable device used in the open architecture casino operating system with the Shulman poker tournament run on a local area network because all the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

Concerning claim 5, Franchi teaches the communication terminal comprises communication means for transmitting the identifier of the pocket expected to receive the game medium inputted by the guest and the guest-specific information for specifying the guest as acquired by the information acquiring means **[column 15, lines 38-67 and column 16, lines 1-13]**.

Concerning claim 8, Franchi teaches the card reading means is configured so as to be able to inscribe the predetermined guest card with a result of gaming transmitted from the game arcade **[column 16, lines 14-17]**.

Concerning claim 9, Franchi teaches the display means displays information indicating that an entry to the game is currently acceptable together with the information indicating that the game medium is about to be introduced to the game board **[column 5, lines 50-67 and column 6, lines 1-29]**.

Concerning claim 10, Franchi teaches the display means displays information indicating that the game medium is not about to be introduced to the game board **[column 5, lines 50-67 and column 6, lines 1-29]**.

Concerning claim 9, Franchi teaches the display means displays information indicating that the entry to the game is closed **[column 14, lines 11-18]** together with the information indicating that the game medium is not about to be introduced to the game board **[column 5, lines 50-67 and column 6, lines 1-29]**.

Concerning claim 14, 16-18, 21, 23 and 27 (please refer to Examiner's response to claim 1) Franchi teaches a communication system for a game providing a predetermined guest with a plurality of game cards playing a poker game **[column 10, lines 1+ and column 12, lines 53+]** storing respective identification information items and then replacing any of the game cards, the communication system acquiring information required for proceeding with the game from the predetermined guest playing the game and outputting thus acquired information to a manager for managing the game **[column 10, lines 15-31]**; the communication system comprising: first information acquiring means for acquiring guest-specific information specifying a guest playing the game in relation to information indicating that the guest is in a game arcade or using a portable device **[column 15, lines 18-37]**. Information of the guest using the device in the guestroom vs. the casino floor is an obvious variant of using a portable device. Franchi teaches second information acquiring means for acquiring the identification information items stored in the plurality of game cards in relation to positional information items indicative of the positions where the game cards are

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arranged for each guest-specific information **[column 15, lines 2-10, 25-67 and column 16, lines 1-13]**. Franchi teaches a display means **[column 15, lines 35-37]** and first transmitting means for transmitting the identification information items of the plurality of game cards related to the guest-specific information corresponding to the information indicating the positional information items respectively corresponding to the identification information items of the plurality of game cards to a communication terminal disposed in a portable device **[column 15, lines 2-10, 25-67 and column 16, lines 1-13]**; second transmitting means for transmitting instruction information indicative of an instruction to transmit information concerning any of the game cards to the communication terminal if the game card is desired to be replaced **[column 10, lines 15-31]**; third information acquiring means for acquiring the positional information item corresponding to the identification information item of one or a plurality of the game cards desired to be replaced by the guest in the identification information items of the plurality of game cards according to the instruction information in the communication terminal means disposed in the game arcade, for outputting one or a plurality of positional information items acquired by the third information acquiring means to the manager **[column 10, lines 15-31; column 15, lines 38-67; column 16, lines 1-13 and Blackjack/Poker sections for further explanation]**. Franchi teaches the guest-specific information is obtained by reading information specifying the guest stored in a predetermined guest card with at least card reading means disposed in the portable device **[column 15, lines 38-54]**.

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Franchi lacks teaching the portable device can be located in the guestroom in an accommodation facility and the transmission of information from the transmitting means to the communication terminal and the transmission of information from the communication means toward the game arcade are carried out via a local area network. The publication to Shulman teaches a computer assisted poker tournament. Shulman teaches that the communication medium on which the tournament is to be played over can be setup up on a local area network extending to the various rooms of a hotel or casino **[0023]**. It would be obvious to combine the Franchi portable device used in the open architecture casino operating system with the Shulman poker tournament run on a local area network because all the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

Concerning claim 15, Franchi teaches the communication terminal comprises communication means for transmitting the positional information items corresponding to the identification information items of one or a plurality of the game cards desired to be replaced by the guest in the identification information items of the plurality of game cards as acquired by the third information acquiring means **[column 15, lines 38-67 and column 16, lines 1-13]**.

Concerning claim 19, Franchi teaches the card reading means is configured so as to be able to inscribe the predetermined guest card with a result of gaming transmitted from the game arcade **[column 16, lines 14-17]**.

Concerning claim 20, Franchi teaches when any of the game cards is desired to be replaced, the display means displays instruction information indicating an instruction to input information concerning the game card desired to be replaced **[column 10, lines 15-31]**.

Concerning claim 22, Franchi teaches the identification information of each game card is stored in an IC tag incorporated in the game card **[column 3, lines 17-25; column 15, lines 38-54]**. Player tracking cards are notoriously well known in the gaming art, and there are many obvious variations in different gaming systems.

Concerning claims 24 and 28 (please refer to Examiner's response to claim 1), Franchi teaches communication system for acquiring information required for proceeding with a game played in a game arcade from a predetermined guest playing the game and outputting thus acquired information to a manager for managing the game **[column 10, lines 15-31]**; the communication system comprising first and second communication system functions; the first communication system function being employed for a first game using a game board **[column 14: lines 31+]** provided with a plurality of pockets adapted to receive a game medium introduced, each pocket bearing an identifier, a predetermined guest using a gaming device for causing any of the pockets to receive the game medium and anticipating the identifier of the pocket **[column 14, lines 19-30 and column 10, lines 1-7]**, the first communication system function acquiring from the guest the identifier of the pocket expected to receive the game medium before the game medium is introduced to the game board and outputting thus acquired identifier to a manager for managing the first game **[column 15, lines 26-**

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65]; the second communication system function being employed for a second game providing the predetermined guest with a plurality of game cards **[column 10, lines 1+ and column 12, lines 53+]** storing respective identification information items and then replacing any of the game cards, the second communication system function acquiring information required for proceeding with the game from the predetermined guest playing the second game and outputting thus acquired information to a manager for managing the second game **[column 10, lines 15-31]**; any of the first and second communication system functions being operated according to the input from the setting input means **[column 2, lines 55-67 and column 3, lines 1-50]**.

Franchi lacks teaching the portable device can be located in the guestroom in an accommodation facility and the transmission of information from the transmitting means to the communication terminal and the transmission of information from the communication means toward the game arcade are carried out via a local area network. The publication to Shulman teaches a computer assisted poker tournament. Shulman teaches that the communication medium on which the tournament is to be played over can be setup up on a local area network extending to the various rooms of a hotel or casino **[0023]**. It would be obvious to combine the Franchi portable device used in the open architecture casino operating system with the Shulman poker tournament run on a local area network because all the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

Response to Arguments

5. Applicant's arguments with respect to claims 1-3 and 25 have been considered but are moot in view of the new ground(s) of rejection.

6. Applicant's arguments filed 12/11/07 have been fully considered but they are not persuasive. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). It is well known and common knowledge that various rooms in a hotel refer to guest rooms. Both Shulman and Franchi refer to gambling methods, Shulman further extends gambling to various rooms of a hotel. Therefore, it would be obvious to use the portable gaming device used for gambling as taught by Franchi in a personal guest room as taught by Shulman. Furthermore, as further evidence for motivation to provide gaming in a guest room, please refer to Rowe (US 7083520). Rowe teaches game data is provided from the game play system to the media distribution system and is distributed to the player's in-room display. The data is used to generate a game for play by the player on a promotional/demonstrative basis without placing a wager or bet. The player's game play activities are tracked for use in generating a player reward

independent of the outcome of the games played **[Abstract]**. This further supports providing gaming linked to a casino to a personal guest room.

Applicant states the game card which has an IC tag incorporated into the game card is not suggested by the references. However, Examiner disagrees. To further explain, Franchi teaches the identification information of each game card is stored in an IC tag incorporated in the game card **[column 3, lines 17-25; column 15, lines 38-54]**. The player wand with the IC chip is an obvious variation to a game card; the player wand contains player information. Furthermore, the betting card containing player information would also be an obvious variant to the game card with an IC tag. Player tracking cards are notoriously well known in the gaming art, and there are many obvious variations in different gaming systems.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

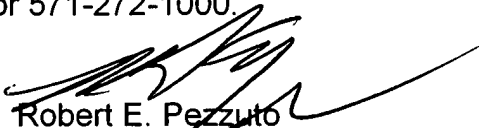
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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Malina K. Dhillon whose telephone number is (571) 270-1297. The examiner can normally be reached on Mon. - Thurs., 7 AM - 6 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bob Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Robert E. Pezzuto
Supervisory Patent Examiner
Art Unit 3714

Malina Dhillon
1/18/08